

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 14952 OF 1996

BETWEEN:

Bhonagiri Devuni Lingaiah & others

.....**Petitioners**

And

The Collector-cum-Chairman,
District Scheduled Castes Service Coop. Society Ltd.,
Karimnagar & others.

.....**Respondents**

:: O R D E R ::

Counsel for the Petitioner : Shri P.Visheswar
Reddy Rao

Counsel for Respondent Nos.1 and 3 : Government Pleader for
Revenue

Counsel for Respondent No.2 : Shri K. Srinivas for
Shri M.V.S.
Suresh Kumar

Dated: 28.06.2006

In this petition, the petitioners have prayed for issue of a
direction to the respondents to allot land comprised in Survey Nos.

360, 343, 357, 358, 378, 379 and 380 admeasuring Acs.57-06 guntas to them.

In paragraphs 2,5,6 and 7 of his affidavit, petitioner No.1 Shri Bhonagiri Devuni Lingaiah has averred as under:

“ It is submitted that we the petitioners herein are all belonging to the Scheduled Caste landless agricultural labourers and poor persons of Polasa Village, Jagtial Mandal, Karimnagar District.

It is submitted that the land bearing Sy.Nos. 360, 343, 357, 358, 378, 379 and 380 admeasuring Ac.57-06 guntas of our village originally belonged to Sri Polastheshwara Swamy Temple. The Asst. Commissioner, Endowments, Karimnagar has conducted a public auction for sale of these lands on 05.04.1995. In the said auction the respondent No.2 herein is the highest bidder for purchase of Ac.8.10 guntas of land in Sy.N.o.360 and two other persons namely Sri Atukula Rajanarusu (S.C) and Atukula Gangaram (SC) of our village are the highest bidders for the purchase of remaining extent of Ac.48.36 guntas of land in Sy.Nos. 343, 344, 357, 358, 378, 379 and 380 and they have also deposited an amount of Rs.10,000/- each as initial amount for purchase of the said lands with the Endowment Department.

It is submitted that the respondent No.2 herein has given an assurance that he will allot the total extent of Ac.57.06 guntas of land to the Schedule Caste persons of our village only, if the said two other highest bidders namely Sri Atukula Rayanarsu and Atukula Gangaram are agreeing to handed over and given their consent for purchase of the said land admeasuring Ac.48.36 guntas in Survey Nos. 343, 344, 357, 358, 378, 379 and 380 in the name of the 2nd respondent herein. That on 05.04.1995 as per the assurance of the respondent No.2 herein the said two highest bidders have handed over the said land admeasuring Ac.48.36 guntas in

Sy.Nos. 343, 344, 357, 358, 378, 379 and 380 and also gave consent for purchase of the said land in the name of 2nd respondent.

Thereafter, the respondent No.2 herein has sent a letter Rc.No.A4/773/95, dated 29.07.1995 along with a cheque No.0687987 date 27.07.1995 for Rs.20,000/- to the Asst. Commissioner, Endowment, Karimnagar asking him to refund the same to the two highest bidders namely Sri Atukula Rajanarasu and Sri Atukula Gangaram towards their deposit amount and also asked the Asst. Commissioner of Endowments, Karimnagar to transfer of the amounts from their names to the name of the District Scheduled Castes Service Coop. Society Ltd., Karimnagar against the sale consideration payable.”

In paragraph 6 of the counter-affidavit filed by Shri K. Krishnam Raju, Executive Director, District Scheduled Castes Service Co-operative Society Limited, Karimnagar, the following averments have been made:

“ It is submitted that in the auction dated 05.04.1995, the respondent society was found to be highest bidder in respect of the land situated in Sy.No.360 (Ac.8.10 guntas). In respect of Sy.No.343 (Ac.14.09 guntas), Sy.No.357 (Ac.13.27 gts) Sri Atukula Rajanarsu of Polasa village belongs to S.C. Community was found to be highest bidder in respect of Sy.No.344 (Ac.9.33 gts.), Sy.No.358 (Ac.8.31 gts), Sy.No. 378, 379, 380 (Ac.2.16 gts.) Sri Atukula Gangaram was found to be the highest bidder. Later on the above two private individuals have taken back their E.M.D. deposits and expressing in writing in their representation that the said lands can be purchased by the respondent society to allot the same to the S.C. beneficiaries. Thereby the total land Ac.57.06 guntas has been purchased by the respondent society and the sale proceedings were

confirmed by the Assistant Commissioner, Endowments in his proceedings Rc.No.B/3093/93, dated 21.10.1995. Thereafter, vide proceedings No.773/95-A4, dated 27.11.1995 of the District Collector/Chairman. Out of the entire land an extent of Ac.50.27 guntas cultivable land was allotted to all the beneficiaries excluding an extent of Ac.6.19 guntas which is covered by canals and pote kharab, and the lands got registered by the respondent Society in favour of the beneficiaries, vide proceedings No.A4/773/95, dated 30.05.1996 and the physical possession was delivered on 03.07.1996 to the beneficiaries which is reported by the Mandal Revenue Officer vide his Lr.No.B/979/95, dated 11.07.1996 and as on today the beneficiaries are in possession and enjoyment of the land in question.”

A perusal of the record shows that copy of the counter-affidavit was made available to the counsel for the petitioners some time in the month of August 1996. Since then, a period of almost ten years has elapsed, but no rejoinder-affidavit has been filed by the petitioners to controvert the above re-produced averments contained in paragraph 6 of the affidavit of Krishnam Raju.

I have heard learned counsel for the parties. In my opinion, the writ petition is liable to be dismissed on the short ground that the petitioners have neither questioned the auction proceedings held in April 1995 nor they have challenged the allotment made in favour of the other persons. The beneficiaries of the allotments made in May 1996 have also not been impleaded as party respondents and without hearing them, no order can be passed by the Court, which may adversely affect their right qua the allotted land.

For the reasons afore-stated, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, ad interim order dated 13.07.1996 shall automatically stand vacated.

G.S.SINGHVI, CJ

ksld
28.06.2006